

1997

**THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY**

OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1997

EXPLANATORY MEMORANDUM

**Circulated by Authority of the
Minister for Industrial Relations**

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OCCUPATIONAL HEALTH AND SAFETY (AMENDMENT) BILL 1997

EXPLANATORY MEMORANDUM

Outline

The *Occupational Health and Safety (Amendment) Bill 1997* amends the *Occupational Health and Safety Act 1989* (the Act) by adding a definition of determined fee, adds the ability of the Minister to set fees under the Act, alters the regulation making powers of the Act and repeals the *Scaffolding and Lifts Act 1957*, the *Machinery Act 1949* and their associated Regulations, and removes these Acts from the definition of associated law in the *Occupational Health and Safety Act 1989*

Financial Considerations

The Bill is expected to result in the loss of \$400,000 in revenue from Notices of Intention to Commence Building Work under the *Scaffolding and Lifts Act 1957* Regulations covering Plant and the Certification of Operators of Industrial Plant and Equipment to be made under the *Occupational Health and Safety Act 1989* will replace other revenues under the *Scaffolding and Lifts Act 1957* and the *Machinery Act 1949*

Details

Short Title

Clause 1 is the Short Title

Commencement

Clause 2 specifies the commencement date for Sections of the Bill Clauses 1 to 3, Clause 4(b) and Clauses 5 to 9 are to commence on Gazettal of the Bill as an Act Clauses 4 and 10 are to commence on a day fixed by the Minister by notice in the *Gazette*

Principal Act

Clause 3 defines the *Occupational Health and Safety Act 1989* as the Principal Act

Interpretation

Clause 4 omits subparagraphs (d) to (i) from the definition of "associated law" in Section 5 the Principal Act — that is the *Machinery Act 1949*, the *Boiler and Pressure Vessel Regulations*, the *Machinery Regulations*, the *Scaffolding and Lifts Act 1957*, the *Scaffolding and Lifts Act 1912-1948* of the State of New South Wales in its application in the Territory, and *Regulations under the Scaffolding and Lifts Act 1912-1948* of the State of New South Wales in its application in the Territory

Clause 4 also inserts a definition of "determined fee" in Section 5 the Principal Act

Repeal

Clause 5 strikes out Section 7 of the Principal Act and inserts a new Section 7 dealing with exemptions, disallowance and appeal against a decision not to allow an exemption

Review of decisions

Clause 6 amends Section 84(1) of the Principal Act by requiring the determined fee to accompany requests to the Review Authority for the review of a reviewable decision

Repeal

Clause 7 strikes out Section 84R of the Principal Act dealing with fees for application to the Review Authority

Insertion

Clause 8 inserts a new Section 96A into the Principal Act that allows the Minister to determine fees under the Act or Regulations

Regulations

Clause 9 amends Section 97 of the Principal Act that allows for the making of regulations covering systems of work, plant, process in the workplace, the transport, storage or use of substances in the workplace and allows for certificates of competency to be issued under the regulations in relation to the use of plant

Repeals

Clause 10 repeals the Acts listed in the Schedule